

HEARSAY



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APRIL 2016

OFFICIAL NEWSLETTER OF THE CLARK COUNTY BAR ASSOCIATION



**Attorney General
visits with CCBA**

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Failure to diagnose breast cancer.....	\$1.0 million
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Auto/pedestrian collision	\$1.6 million
Obstetrics malpractice	\$3.5 million

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PRESIDENT'S MESSAGE

Cautionary Tales



RICK MC LEOD

CCBA President

Arthur Dent: What happens if I press this button?

Ford Prefect: I wouldn't-

Arthur Dent (having pressed the button): Oh.

Ford Prefect: What happened?

Arthur Dent: A sign lit up, saying "Please do not press this button again."

-- Douglas Adams, *The Hitchhiker's Guide to the Galaxy*

Building spacecraft is extremely challenging. Most spacecraft are unmanned and relatively unserviceable once the candle is lit. As a result, engineers place special emphasis on redundancy for every component and system, where possible. Designs are reviewed multiple times, and everything that can be tested is tested.^[1] Even then, there are still dozens of vulnerabilities that can lead to catastrophic failure, and the chances of failure are high.^[2]

Failures are often media footnotes that are ignored by the average person (unless people die). Dozens of spacecraft have been destroyed due to launch failures, some intentionally by the Range Safety Officer. Others have been lost during orbital insertion or even on station, due to onboard equipment failures, temperature/fuel problems, or collision events.

When Curiosity and Opportunity each landed on Mars, the networks showed the exuberance and exhilaration at mission control rooms that few can truly appreciate. There's a reason for that emotional release. Many years of effort can go into a single project, and many things can go wrong. Unlike your personal computer or phone, there's usually no reset button and no technician that can help. Sitting in one of those rooms, my colleagues and I were quite tense on the day Discovery first made orbit following the Challenger disaster.

Who remembers that the European Space Agency landed the Philae robotic probe on a comet ten years after launch?^[3] That alone is a big deal, but unfortunately, it was in shadow, and it did not achieve its potential. In March, Japan's Hitomi observatory broke apart and is likely lost.^[4] Limited contact was made with a piece that was left spinning out of control. In April, the Kepler Telescope (which has been locating extra-solar planets) suddenly went into emergency mode, but rebooted a couple of days later.^[5] Kepler had its own attitude control problem in

2013, but clever engineering was able to put it right. I suspect that some engineers are have a tense week right about now.

By contrast, there are few analogues in the law. Lawyers usually have lots of opportunities to correct misunderstandings, misimpressions, and even mistakes. Contracts can be amended or even "reformed" under the right circumstances. Complaints and answers get amended in many cases. Legal theories morph during discovery. Even after a case goes to a jury, there's hope that a loss can be salvaged on appeal or by a re-trial. And there's even the "harmless error" doctrine.

When a lawyer speaks, the person listening may hear something very different than what was intended. Even when lawyers do the best possible work, the client may be dissatisfied and take action against the lawyer(s) who have disappointed him.

When I was a law clerk in Texas, Judge Cobb knew that I had a patent background and he asked me to work on one of his cases (and quite a few non-patent cases after that). Following a hearing on the scope of the patent claims, an appropriate order was issued. The defendants filed a motion for summary judgment, and the patent was invalidated by Judge Cobb (affirmed on appeal). Mr. Minton had made a fatal mistake by waiting too long to seek patent protection for his program on trading stocks that he had marketed to the public. A couple of years later I dropped by Judge Cobb's chambers to say hello. His first words to me were "Minton is suing his attorneys." As Minton was unable to get a royalty from NASDAQ and other stock exchanges that probably would have netted him billions during the life of the patent, he sued his lawyers for malpractice.

This case bounced around for quite a bit until it eventually hit the Supreme Court. *Gunn v. Minton*, 133 S. Ct. 1059 (2013). The focal point here is that the malpractice claim (which he

pursued in both state and federal courts) spanned nearly a decade, whereas the underlying patent action took about three years. The judge's lesson to me was simple. "Beware the client."

When a layperson talks to a lawyer (or vice versa), there's a chance that the person misinterprets the situation. This is why we plaster emails and websites with warnings and disclaimers. We don't want to give the impression that an attorney-client relationship has been formed prematurely. The critical point is not that we are concerned about winning a claim brought by a person who thinks they received poor advice, as much as trying to avoid having to defend a claim at all. Minton's attorneys thought that they did a great job, and I believe that they did as well. But, Minton's malpractice demand probably far exceeded any insurance policy, so they had to fight to the end. I have no

idea what the defense cost, whether it was covered by insurance or not, etc. But, it was certainly a massive distraction, a Sword of Damocles that had to be endured. It's not a lesson that one would wish to learn by experience.

Scott Horenstein's recent presentation at the Family Law Section gave me additional pause, when he suggested that the statute of limitations for a malpractice claim on certain family law agreements might be tolled until such time as a party attempted to enforce the agreement. Talk about scary.

Enough of that. Spring has arrived, get out there and enjoy it. But, take repellent if you're headed to the tropics. The CDC has officially confirmed that Zika causes birth defects and that it attacks at all stages of pregnancy.^[6]

[1] At least that's the goal. Budget and political pressure may also lead to bad results as Dr. Richard Feynman found while investigating the Challenger disaster. See https://en.wikipedia.org/wiki/Rogers_Commission_Report.

[2] NASA engineers estimated that the chance of a catastrophic failure was between 1:50 and 1:200, far below the "official" estimate of 1:100,000. By comparison, there are thousands of airline flights daily, and non-intentional catastrophic events are quite rare.

[3] [https://en.wikipedia.org/wiki/Philae_\(spacecraft\)](https://en.wikipedia.org/wiki/Philae_(spacecraft))

[4] http://global.jaxa.jp/projects/sat/astro_h/topics.html#topics7365

[5] <http://www.cnn.com/2016/04/11/tech/nasa-kepler-spacecraft/index.html>

[6] <http://www.nbcnews.com/storyline/zika-virus-outbreak/it-s-official-zika-virus-causes-birth-defects-n555571>.

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CCBA CLE Calendar

Register now for any of our upcoming CLEs

N&B – Trusts and Estates

Alicia Lowe

May 11, 2016

3:00pm – 5:00pm

Heathen Brewing Feral Public House

\$50.00 for Members

\$70.00 for Non-Members

\$25.00 for Non-Attorneys

N&B – The Lost Art of Storytelling to Persuade Juries

Brad Anderson, Phil Haberthur & Tom O'Toole

June 8, 2016

3:00pm – 5:00pm

Heathen Brewing Feral Public House

\$50.00 for Members

\$70.00 for Non-Members

\$25.00 for Non-Attorneys

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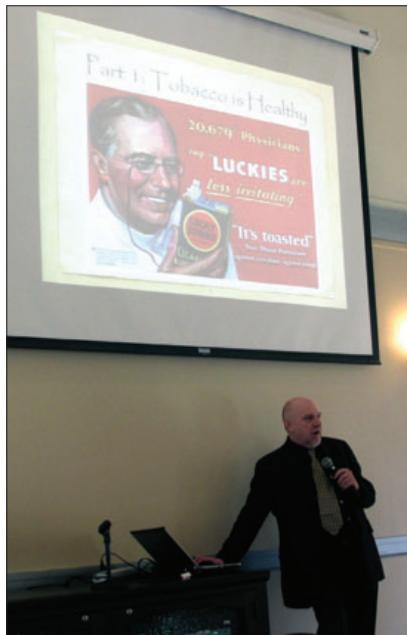
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Attorney General Visits wih CCBA

The CCBA General Meeting on March 22, 2016 was the prelude to a very interesting and informative presentation by Bob Ferguson, Washington State Attorney General on current events in the AG's office, followed by Rick Mc Leod's presentation on "TPP, Corporate Sovereignty and Big Tobacco". The discussion regarding tobacco issues was premised around the AG's support for a bill to raise the smoking/vaping age to 21. The information presented in the CLE portion of the General Meeting was eye opening for anyone who has not closely followed the tobacco industry and its attempted death grip on a vulnerable portion of our society.

Bob Ferguson is a very amiable successor to Rob McKenna, former Attorney General for the State of Washington. In fact, Bob's schooling and resume has so closely followed McKenna's career trajectory, Bob is making sure office space is available next to McKenna when he is ready to retire from public office.

The Attorney General's office is home to 550 attorneys, the largest law firm in the State, and covers five departments. While the Attorney General is required to affiliate with a political party, under at least the last three AG's the office has been run in a non-partisan spirit and independent from any party affiliations.



Part of the duties of the Attorney General's office is to protect the general public from bad actors. One focus of the current administration is an effort to raise the smoking age in Washington to 21. Hawaii was the first state to raise the smoking age, and California just passed a similar law. Statistics show that raising the smoking age can reduce the smoking rate in teens fifty percent. If a smoker is not created prior to the age of 21, there is only a five percent chance Big Tobacco can get you hooked.

RJ Reynolds has stated that raising the smoking rate will "gut" their business. The states also will take a "hit" in terms of less sales tax revenue, but you have to believe the reduction in health problems for our older adults will result in less expense to the state as time goes on.

The Attorney General also discussed the litigation relating to the Food Labeling legislation opponent the Grocery Manufacturers



Association and its refusal to list donors and reveal funds raised to defeat the legislation. There is continued litigation regarding the legalization of marijuana and local jurisdictional bans, in which the Attorney General's role is to defend the will of the voters and their initiative. The Attorney General's office houses the Council for the Environment, created to advocate specifically toward protecting the environment and public safety. One of the targets of the Council in 2016 has been the Tesoro Savage Vancouver Energy Distribution Terminal, and analysis of the risk of oil train derailment and analysis of first responder readiness. This work is very expert intensive and expensive. Civil rights and educational funding are also areas seeing an increase in the need for work by the AG staff. If you are interested in further information regarding our Attorney General, or the work his office is doing, check out: <http://www.atg.wa.gov/about-bob-ferguson>.

Rick Mc Leod took over from the Attorney General to further discuss Big Tobacco and the history of the stranglehold it has had on Americans, and how difficult it has been to change the country's mindset.

The first cigarette advertisements were astonishing as to the false statements made, and ability to sway the public to thinking smoking was cool and necessary. Australia as a country has required packaging for cigarettes that would seemingly cure anyone from smoking. A package of cigarettes in Australia shows pictures of gangrenous limbs and cancerous tumors and all but warns that could happen to you if you smoke. That country is being sued under various treaties. It does seem like the beginning of the end; but Big Tobacco won't go down without taking people with them.

If you haven't signed up for a CCBA CLE in a while; do it – you will be glad you did!

BENCH BAR MEETING

WEDNESDAY, MAY 4, 2016 at NOON
2ND FLOOR, COURTROOM 3

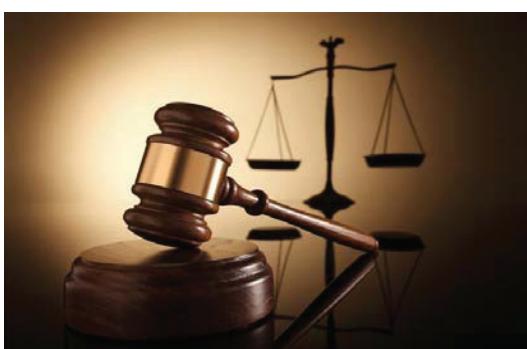
Join us as **Peggy McCarthy** and **Janet Ragan** from the National Alliance on Mental Illness, Southwest Washington (NAMI SW WA) give a presentation explaining their new transitional services.

Peggy McCarthy, MBA, has been the Executive Director of NAMI in Vancouver since September 2013 when NAMI Clark County merged with NAMI Cowlitz County and included Skamania County to become NAMI Southwest Washington. During the previous almost 30 years she was the founder/owner of a medical education company that was recognized for creating innovative programs to educate healthcare professionals about issues in all fields of medicine in the US, Europe, and in developing nations. One of the first programs they created was in mental health at the time the nations' mental hospitals were being closed by President Reagan. Her company developed a program called Going Home that provided educational materials for providers, clients, and their family members about reintegration back into the communities for people with mental health diagnoses. At that time, they partnered with a fledgling NAMI. She is very happy to once again be working with NAMI and helping the organization to reach the many people who need NAMI services. She is the mother of two daughters and three grandchildren.

Janet Ragan, MA, LMHC, is the Director of Mental Health Services at NAMI SW WA. Ms. Ragan initiates development, planning and implementation of strategies for the mental health program continuation and growth. Ms. Ragan is responsible for overseeing and developing NAMI SW WA hiring, supervision, evaluation, and scheduling of mental health services. In addition, ensuring provision of mental health training to mental health staff, interns, and supervisees.

Ms. Ragan comes from a professional background of clinical experience in both community mental health and private mental health counseling. She is experienced in individual and group counseling, supervision and training of mental health interns, and supervision of licensing candidates. She is a longtime community advocate on behalf of adults and children experiencing sexual abuse and or assault and individuals experiencing mental illness as well as families and loved ones of those individuals. She has experience in development of community support groups and training of facilitators in both of these areas.

Ms. Ragan holds a bachelor's in social science with a major in psychology from Washington State University and a master's in counseling from George Fox University.



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CCBA Board Meeting Minutes



LE ANN LARSON
CCBA Secretary

Minutes for the CCBA Board of Trustees Meeting March 2, 2016

Called to order 12:03 (Larson, Mc Leod, Sampath, Sleight, Norton, Spratt, Dunn, Caron) Lisa Darco and Jordan Taylor present

February 3, 2016 Minutes: motion to approve with changes (SPRATT/NORTON): Approved

Treasurer's Report for February 2016 (SAMPATH): Cash position continues to be reasonably strong. Reviewed the financial reports Sampath prepared. The increase in Barrister's Ball ticket prices and ticket sales covered the cost of the event. Expects that we will continue to experience expenses that exceed revenues, unless there is a bar dues increase. We will continue to lose \$5k-6k per year. No need to revise budget forecast at this time.

OLD BUSINESS

a) General Meeting (Mc LEOD)

Will be March 22, 2016 at the Red Cross Building. The Northwest Culinary Institute will cater the event. The Attorney General, Bob Ferguson, will speak at a CLE. Tickets on sale.

b) Barrister's Ball (DARCO/SPRATT)

164 tickets sold. 153 attended. Sold out this event and there was, in fact, a wait list.

c) FLS Admin (Mc LEOD)

Discussion of rate we charge. Could reevaluate the rate every December. Motion: Reduce admin charge to 15% for 2016. (SPRATT/DUNN) Approved.

NEW BUSINESS

a) VLP Update (TAYLOR)

VLP received a 25k grant increase from Clark County which was approved by the BOCC. Estimating \$2,500 was raised for the VLP at the Barrister's Ball through Auction, Scrip, 50/50.

b) Survey Results (Mc LEOD)

Happy Hour socials quarterly were popular. Could rotate event locations and hold the event following CCBA CLEs. Darco and Sleight will look into locations and dates for events.

c) Request for Emeritus Membership for Free (Mc LEOD)

Discussion. Suggestion that there needs to be criterion and a process developed. Norton will draft a proposal by June.

d) CLE Price Increase (Mc LEOD)

If we raised membership dues by \$5, that will net \$2,500 in extra revenue. This is not enough to stop our \$5k-6k per year loss. Discussed whether to raise CLE costs. Concern raised that there is more outside competition for CLEs, such that raising bar dues would be more effective than to raise CLE prices. No action taken.

e) CCBA Website Project (Mc Leod)

Discussed the need to update the website to include the ability to make payments to the CCBA via the website. Current bid of \$3k will require membership approval. Taylor will research lower bids.

f) Budget (Mc LEOD)

Motion to propose bar dues increase to \$150 at the General Meeting (SPRATT/SLEIGHT) Approved
Dues have not been increased since 2010 and an increase is necessary to stop the losses.

g) Ratified Motion to give \$200 to the Minority and Justice Commission (Mc LEOD)

MJC requested co-sponsorship of a community event at Clark College on April 17th. MJC will present the film "3 ½ Minutes" and discussion following. More details to come in later Hearsay issues.

h) Revamping the Lawyer Referral Service (Mc LEOD)

Will table this to next month.

Adjourned 1:00



The Clark County Bar Association Presents a Nuts & Bolts CLE

Trust and Estate Planning:

**What You Need to Avoid Family Fight Night
Before and After a Client's Death**

Presented by:

Caitlin Wong—Schwabe, Williamson & Wyatt P.C.

May 11, 2016 – 3:00 pm to 5:00pm

Heathen Brewing Feral Public House

1109 Washington Street - Vancouver, WA 98660

2 General CLE Credits

CCBA members: \$50.00

Non-members: \$70.00

Non-attorneys: \$25.00

Trust and Estate Planning:

What You Need to Avoid Family Fight Night Before and After a Client's Death

- When to and why consider a revocable living trust
- Drafting Wills, Trusts, Powers of Attorney, and Health Care Directives
- Using Powers of Attorney and Health Care Directives
- Transfer tax basics
- Community property considerations
- Special considerations for second marriages and cohabitating couples
- Common issues in advising non-grantor trustees

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CCBA General Meeting Minutes

General Meeting Minutes of the Clark County Bar Association, March 22, 2016

Meeting convened at 12:15 by Rick McLeod

Opening remarks

Upcoming events sponsored by the CCBA include the Minority and Justice Commission presentation of 3 ½ Minutes: Ten Bullets on April 17. Thanks to Don Jacobs, Jesse Jacobs, Greg Price (all present), and the other local sponsors. The principal business of the general meeting is a discussion of the budget. The Attorney General is on a tight schedule, and has asked that we move up his presentation as much as possible.

Treasurer's Report – Mark Sampath

While our current position is strong. We have seen increases in fixed expenses, such as rent and insurance. A new lease was negotiated at below market rates, thanks to Arin Dunn, but the rent will increase next year. Our primary sources of income are dues, advertising, and CLEs. The CCBA is losing about \$5-6K per year. Mark recommended to the Board of Trustees that dues be raised to address the shortfall.

McLeod reviews expenses that have been eliminated. Social events have been set at least break-even. Competition from free CLEs by the WSBA makes it difficult to raise CLE rates. Some community support events, such as Call to Duty, which is being planned, are hoped to be supported with sponsorships. Updating the website to take payments is also a potential project. It has been suggested that dues be raised \$15/year.

John Bachofner moved to raise dues \$15/year. Paige Spratt seconded.

Peter Fels asks the number of current members. We have approximately 475, with a jump coming immediately prior to recent judicial polls. With no polls expected, this number is expected to fall.

Motion PASSED on voice vote, with no dissent.

CLE Committee Report – Paige Spratt

Paige in the CLE chair, but is reporting for Jane Clark. Seven Nuts & Bolts CLEs have been held. Three are upcoming with another Clark County Practice CLE at the end. Heathen Brewing/Feral has been a good venue, but it's important that we get advance sign-ups due to potential size. We're always looking for feedback on CLEs that our members would like to attend.

Hearsay Committee Report – Jean McCoy

We're always looking for articles. You can also submit ideas for articles that you'd like to read.

Family Law Section Report – Stefanie Ellis

Young Lawyers Section Report – Amber Rush

General Meeting adjourned at 12:45, allowing the Attorney General to begin early.

WILL SEARCH

Searching for the will of Wayne K. Bullock. Anyone having any information should contact Terry Lee or Julie Eaton at (360) 891-1100

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Spoliation of Evidence and Practice Tips to Avoid Trouble

ROBERT S. MILESNICK

Hearsay Special Correspondent

What is “spoliation,” what are the consequences, and how can we avoid it?

Spoliation of evidence is when a party destroys or alters material evidence or otherwise fails to preserve property for use as evidence in pending or reasonably foreseeable litigation. *Apple Inc. v. Samsung Elecs. Co.*, 888 F.Supp.2d 976, 989 (N.D Cal 2012). Due to the far-reaching impact spoliation can have on a case, it is imperative that lawyers properly advise their clients, and be mindful of their obligations even before litigation begins.

The potential significance of this issue cannot be understated. As one federal court recently stated, “Aside perhaps from perjury, no act serves to threaten the integrity of the judicial process more than spoliation of evidence. Our adversarial process is designed to tolerate human failings—erring judges can be reversed, uncooperative counsel can be shepherded, and recalcitrant witness compelled to testify—but, when critical documents go missing, judges and litigants alike descend into a world of ad hocery and half measures and our civil justice system suffers.” *United Medical Supply Co. v. United States*, 77 Fed. Cl 257, 259 (Fed. Cl. 2007).

Not surprisingly, then, the consequences of spoliation are severe, ranging from an inference that the evidence destroyed was adverse to the spoliating party, exclusion of witnesses whose testimony cannot be rebutted without the evidence destroyed, an award of costs and attorney fees to the party moving for spoliation sanctions, to—the ultimate sanction—entry of judgment against the party destroying (or failing to preserve) evidence. In assessing the appropriate sanction, courts look to (1) whether there is a duty to preserve the evidence at issue; (2) the level of culpability of the spoliator; and (3) the prejudice suffered by the non-spoliating party.

To protect one’s self and one’s client against the hazards of spoliation, bear in mind that the duty to preserve relevant evidence—in paper, digital, or any other form—is triggered when civil litigation is commenced or “reasonably anticipated.”

For plaintiffs’ attorneys, your client’s duty to preserve relevant evidence is generally triggered as soon as he or she meets with you, if not sooner. See *Innis Arden Golf Club v. Pitney Bowes, Inc.*, 257 F.R.D. 334, 340 (D. Conn. 2009) (finding that a potential plaintiff anticipates litigation when counsel is retained for the matter). Practice tip: Address the duty to preserve documents at initial client intake and follow up in writing.

For defense attorneys, be mindful that once the duty to preserve evidence attaches, any destruction, even if in accordance with internal record deletion policies is, at a minimum, negligent, and remind your client of its preservation obligations at the earliest notice of a claim. This may come in the form of a demand letter from plaintiff’s counsel, informal notice that an employee or third party is considering legal action, or an internal complaint by a later-terminated employee.

Practice tip: For larger defendants, in addition to suspending document deletion, help your clients evaluate which individuals within the company may have potentially relevant information and disseminate written “litigation hold” notices to each. See *Univ. of Montreal Pension Plan v. Banc of Am. SEC.*, 685 F. Supp. 2d 456 (S.D.N.Y. 2010) (concluding that conduct such as the failure to issue written litigation hold notices amounts to gross negligence *per se*).

Note that, although the “level of culpability” is a factor in assessing damages, it is not necessary that the spoliating party intend to have destroyed potentially damaging information. See *Hous. Rights Ctr. V. Sterling*, 2005 WL 3320739 *3 (C.D. Cal. Mar. 2, 2005) (“Once the duty to preserve attaches, any destruction of documents is, at a minimum, negligent”). A party can even be found liable for “willful” spoliation for failure to ensure that initial litigation hold instructions were followed. See *Apple Inc. v. Samsung Elecs. Co.*, 881 F.Supp.2d 1132, at 1147 (E.D. Cal. 2012) (where defendant did issue instructions to suspend its bi-weekly automatic document destruction, but failed to follow up with employees to confirm that documents were actually preserved, and failed to send prompt litigation hold notices “beyond a select handful of employees,” the court found “this is more than sufficient to show willfulness”).

Being mindful of your affirmative duty to preserve evidence and then adequately communicating that duty to your client will go a long way toward avoiding the very real and possibly very severe consequences of spoliation.



ROBERT MILESNICK is a plaintiffs’ attorney in Washington and Oregon who practices employment and labor law, civil rights and personal injury law.



The Clark County Bar Association Presents a Nuts & Bolts CLE

**The Lost Art Of Storytelling to Persuade Juries:
How to use jury consultants
to develop powerful trial themes**

Presented by:

Brad Anderson, Phil Haberthur and Tom O'Toole

June 8, 2016 – 3:00 pm to 5:00pm

Heathen Brewing Feral Public House

1109 Washington Street - Vancouver, WA 98660

2 General CLE Credits

CCBA members: \$50.00 Non-members: \$70.00 Non-attorneys: \$25.00

**The Lost Art Of Storytelling to Persuade Juries:
How to use jury consultants to develop powerful trial themes**

Topics include:

- Role of the jury consultant
- Developing the right story, and when to start thinking about the story
- Use of theme and trial boards
- Presentation of evidence
- Selecting the Jury

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CCBA General Meeting

HEARSAY STAFF

On March 22nd, the CCBA gathered for its annual meeting. It was nice just to see familiar faces and get the latest from the organization. But what made it even more delightful was the buffet, artfully provided by the Northwest Culinary Institute. This was further complemented by the backdrop of the venue—the beautiful and historic Red Cross Building on Officers Row, built in 1918, with its gleaming hardwood floors, arched ceilings, fireplace and sun porch But I digress. If you missed the meeting this year, consider attending next year. It was lovely.

CCBA President, Rick Mc Leod conducted the meeting. He began by inviting CCBA members to attend the film screening and community forum event that the CCBA is supporting. *3 ½ Minutes, Ten Bullets* journeys through the life and death of Jordan Davis who was an unarmed 17-year old African American young man who was killed after a confrontation over the music coming from his car. Directed by Marc Silver, the movie explores the seconds it took to kill Davis, and the two trials needed to convict his killer. The screening will take place on Sunday, April 17th, from 5:00 to 8:00 at the Gaiser Student Center at Clark College. It is free and open to the public.



CCBA Treasurer, Mark Sampath reported on the financial state of the organization. He related that year-to-date, revenues have been modestly higher than last year, but all of that is really timing related. Net income is a bit higher-- once again due to timing. Financially, the organization is pretty similar to where it was last year and it is tracking closely to expectations.

That said, the CCBA will still lose money this year. Sampath anticipated that the loss would be around \$4400. "This is because we don't have a lot of leverage," he explained, emphasizing that the CCBA's revenue is limited to only a handful of sources, like bar dues, advertising, and Barristers Ball.



"While our cash position is good we usually plateau around December or January and then we burn through it; This is because our revenue is front loaded." (Meaning nearly all our revenue is generated early on in the fiscal year).

Not wanting to repeat the dire financial position the organization found itself in back in '07-'10, Sampath suggested that the organization consider increasing dues. He explained that the CCBA has not seen a dues increase since 2009—yet the organization has continued to provide an increase in services, and has also experienced increases in wages, costs of insurance, publishing costs, along with some significant expenses like the new and improved website. Additionally, the CCBA will have some increased expenses moving forward—namely an increase in rent. John Bachofner made a motion to raise dues by \$15 per year. Paige Spratt seconded the motion. The motion was unanimously approved.

CLE Committee member, Paige Spratt reported that since September the CCBA has sponsored seven "Nuts and Bolts" CLEs. Attendance ranged from 8 to 35 attendees. Given the demise of the Red Lion hotel, the CLE committee has had to find different venue. Of late, CLEs have been held at Heathen Brewing. This has actually been a good change given that the venue is much more competitively priced and the CCBA has received positive feedback on the food options. The CLE committee desires to organize presentations that will meet the needs of its members, so Ms. Spratt indicated that they want your feedback. If there's something you'd like to hear about, let them know! There are 3 more "Nuts and Bolts" CLEs scheduled for the year:

March 9, 2016
Bankruptcy 101
Presented by Russ Garrett

April 13, 2016

The Care and Feeding of a Soft Tissue Case: Part 3, Trial
Presented by Greg Price and Don Jacobs

May 11, 2016

Trusts and Estates
Presented by Lisa Lowe

All Nuts and Bolts CLEs are held from 3:00-5:00 at Heathen Brewing Feral Public House.

Hearsay Committee member, Jean McCoy reported on our favorite CCBA monthly publication, the Hearsay Magazine. Pointing out that the recent Barristers Ball enjoyed the presence of two attendees donning kilts, she promised that we will all be able to enjoy photos of that in the upcoming Hearsay. (Jean also promised that next year's Ball will boast 3 kilts as she intends to make her husband wear his). Jean invited members to send in articles or pictures, or even simply let the committee know what they would like to hear about. The committee is always on the lookout for great ideas.

Family Law Section president, Stephanie Ellis reported that despite some difficult financial issues her presidency faced at the beginning of their tenure, they have successfully turned that around. The FLS has over 100 members this year. They meet on the 2nd Thursday of each month and meetings generally are attended by about 50-60 people. They have hosted a number of very interesting CLEs, featuring, for example, child psychologists and very useful information on drug testing.



Young Lawyers Section president, Amber Rush reported that the YLS has been hosting, on average, at least one event per month. Apparently the Young Lawyers know how to have a good time, since these have all been very well attended. Among other things, their social mania has included a gathering at Pacific House and a get-together at a Blazers game. On April 28th they plan to be trained by some seasoned attorneys about how to prep for trial. They are already planning events into the summer and plan to "mix it up" with some new and innovative things.

Having restored our blood sugar levels to normal, and having gotten caught up with the state of the CCBA, the meeting was adjourned and we all filed back to our offices to resume the daily grind.

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Back to Brewcouver

JESSE JACOBS

Hearsay Special Correspondent

Due to scheduling conflicts, we were unable to cover the Vancouver Brewfest - Spring Edition. The good news is that left our able correspondents free to pick up where we left off with the Brewcouver Passport.

TRUSTY BREWING



Occupying the space that used to be Dirty Hands Brewing, Trusty Brewing has sprung on to the Vancouver brew scene with gusto. This place is no-nonsense and good beer. The only two menus in the place are up on the wall. One for beer and one for the quality quick-bites coming out of the kitchen relatively unchanged from Dirty Hands days.

As per usual, your correspondent recommends the stout. Willamette Week, on the other hand, seems to be fond of the Corner Window IPA, naming it best in the Couv.

Food is simple and decent. Good nachos and other bites. Gone, unfortunately, is the meatloaf sandwich. Speaking of meatloaf, rumor is they have yet to book Blues Ranch.

TRAPDOOR BREWING



Upper Main Street simply is not the same. Starting with Main Street Marijuana and Thirsty Sasquatch, the Upper Main revitalization has made it darn hard to find parking. Enter Trapdoor Brewing.

Trapdoor certainly has some solid beers, but it is the massive outdoor hangout area and food trucks that seem to garner attention. Boasting both Thai and Mexican food trucks, Trapdoor makes it easy to swing in for takeout and a pint.

The beer? Mighty fine stout and an IPA that matches Wikipedia's description. They have been experimenting with fruitful casks, but that's just silly-talk. Stick to the well-crafted staples and you'll find yourself at home.

MT. TABOR BREWING



If you've been living under a rock, you may have only seen one or two pieces of news about Mt. Tabor. Honestly, the press is well deserved. Cool taproom, order-in from Tommy O's, and some really darn good and exciting beer.

The problem? They're leaving us for more fertile pasture in Felida. Is it something we said? Probably, but Eric assures us that their new Felida location will be well worth the hike up north. Be sure to pop in for a pint of the stout, or lesser beer, before they shutter the downtown Couv location on April 29th.



JESSE JACOBS is an attorney at NW Injury Law Center (NWInjuryLawCenter.com). An active WSAJ Eagle and OTLA Guardian, Jesse focuses his practice on representing injured plaintiffs in Oregon and Washington. He is a proud WSU Cougar and graduate of Seattle University School of Law. He is licensed in Oregon and Washington. Jesse can be reached at jesse@nwinjurylawcenter.com

Hearsay Profile: Erin Lambley



Home: Vancouver, WA (originally from Nebraska)

Age: 32

Profession: Attorney

Hobby: I love to read a great book in my spare time. Unfortunately, I frequently stay up way too late reading the next good book. I also love relaxing at home with my two Boston Terriers, Atticus and Emmie, and my hubby, Brig.

Last Book Read: I just finished *The Guilty* by David Baldacci. I'm currently reading *When Breath Becomes Air* by Dr. Paul Kalanithi.

Legal Philosophy: My legal philosophy is to provide high quality services, and find practical solutions that fit my clients' needs. I also believe that clear communication with clients is critically important, and I strive to be a strong communicator.

Latest Accomplishment: It probably seems silly, but I got back on the workout wagon after the first of the year. I feel pretty darn accomplished after I get some good exercise in after work, and especially when I hit my daily step goal with my FitBit!

Why I Do What I Do: I went into law because I wanted to help people solve problems, be challenged, and regularly learn new things. Practicing law fits the bill perfectly.

Profile: I practice business and transactional law at Landerholm, P.S. in Vancouver. We handle a variety of matters from the beginning to the end of a company's life, and everything in between. It's fascinating to handle such a large variety of issues on a day to day basis.

Beverage of Choice: I love, love, love Gingerale. When it comes to alcohol, I love a good Margarita on the rocks, with salt.

Care and Feeding of a Soft Tissue Case

PART 3

JESSE JACOBS

Hearsay Special Correspondent

All legal educational opportunities come to an end eventually. Earlier this month was the final installment of the Abbott and Costello (or Greg Price and Don Jacobs, if you prefer) three part series on taking a soft tissue case from intake to trial. As you may expect, the final installment ended in chronological order.

There are a number of tricks and traps out there in personal injury litigation, and you missed out if this stuff ever crosses your desk. The best part of the CLE came with a stack of materials provided to the attendees. Never dealt with ER 904? Think voir dire is posh venison? Your path to understanding is in the packet. All-in-all, a great CLE.



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~Jane Clark

"The LRS has helped me grow my family law practice, and has increased the number of family law consultations I do. It is a nice way to attract potential new clients."

~Elizabeth Arwood

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Clark County **VOLUNTEER** Lawyers Program

A big thank you to those who attended the sold out Barrister's Ball. It looks like we raised approximately \$2,500 for the Volunteer Lawyers Program. We honored John Vomacka as our Volunteer of the Year and were really pleased that our own Board of Directors President Amy McCullough was honored with the Ken Weber award. If you didn't attend the event and want to support what we do, go to www.c4ej.org and donate. For every dollar you donate, we will receive over \$1.50 in our annual grant. It is a great way to make a difference.

Thanks, Susan

**MANY THANKS TO ALL THE ATTORNEYS AND PARALEGALS WHO STAFFED THE ADVICE CLINICS,
HOMELESS CLINICS, PROVIDED REPRESENTATION, AND VOLUNTEERED IN THE HOMELESS COURT.**

FEBRUARY 2016

Tresa Cavanaugh, Ed Dawson, Brian Granbow, Tanya Green, Marlene Hansen, Jessica Hardy, Lincoln Harvey, Eric Hoffman, Tom Hojem, Scott Matthews, Katie McGinley, Danielle Paradis, Michael Reid, Jordan Taylor, Bob Vukanovich.

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NEWS YOU CAN USE



LISA DARCO
CCBA Office Manager

Press Release:

Meredith McKell Graff was appointed to the Board of Washington Mediation Association. Meredith has been a member of this organization since 2001 and is very excited to be able to serve in this greater capacity.

BOOKKEEPING TIPS



EMANUELA SANDRI
Attorney Bookkeeping Services, Inc.

QuickBooks — How to Use Icon Bar to Improve Efficiency

Adapting QuickBooks to fit your work process is one way to improve efficiency. A feature that will allow you to do this is “Customize Icon Bar,” which allows “one-click” access to the functions used most often.

There are many ways to do this including the View menu, right clicking on the icon bar and using the double arrows at the end of the icon bar. The easiest way to add something to the icon bar is to go into the parts of the program that you use most often and click on the View menu to see an option to add the function to the icon bar. This allows you to add your most commonly used activities and reports to the icon bar for “one-click” access.

To add or remove elements already on your icon bar, simply right click on the icon bar and select “Customize Icon Bar.”

When a W-2 is returned, keep it in the envelope. If the employee contacts you, put the returned W-2 in its original envelope into a second envelope and mail it to the corrected address. Keep copies of both the original envelope and the second envelope with sent date.

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LAW LIBRARY NEWS



MARIA SOSNOWSKI
Law Librarian

FOR SALE - THROUGH MAY, 2016

The law library is taking blind bids on the following items:

1. Washington Appellate Practice Deskbook, with 2011 supplement
2. First Trial - Where do I sit? What do I Say? Nutshell
3. Social Security, Medicare and Gov Pensions - NOLO 20th ed
4. Executor's Guide - NOLO 6th ed
5. Everybody's Guide to Small Claims Court - NOLO 15th ed
6. Federal Deception Law - NCLC with 2013 supplement
7. Federal Civil Procedure Before Trial looseleaf - Rutter through 2015

Give your bid to the law librarian through the end of May. Bids must indicate your name, phone number, amount, and item(s) on which you are bidding. Winners will be notified in early June. We reserve the right to withdraw an item from bidding.

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*Bill Nelson and some of the veterans
of his 47 years of practice*



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UPCOMING EVENTS

MEETING

April 28, 2016

YLS Happy Hour

MEETING

May 4, 2016

CCBA Board Meeting

CCBA Office Noon - 1:00pm

MEETING

May 4, 2016

District Court Bench/Bar Meeting

Clark County Courthouse Noon - 1:00pm

MEETING

May 10, 2016

Superior Court Bench/Bar Meeting

Clark County Courthouse - Noon

CLE

May 11, 2016

Nuts & Bolts CLE - Wills & Trusts

Heathen Brewing Feral Public House

3:00pm - 5:00pm

MEETING

CLE

May 12, 2016

Family Law Section Lunch & CLE

Vancouver Hilton 11:30am - 1:00pm

MEETING

May 17, 2016

Hearsay Committee Meeting

CCBA office - Noon

CLE

May 18, 2016

Inns of Court

Heathen Brewing Feral Public House

5:00pm - 6:30pm

SW WASHINGTON LAWYER REFERRAL SERVICE

The CCBA's Lawyer Referral Service is a program designed to help the general public find attorneys appropriate for their needs, while at the same time providing a source of new client business exclusively to our members.

To participate, members pay a small one-time annual fee. (The service is free to the public.) For more information, call the CCBA at 360-695-5975.

THE SWLRS REFERRED 218 CLIENTS IN THE MONTH OF MARCH

Administrative Law	10
Bankruptcy	2
Business & Corporate.....	3
Consumer	16
Criminal	15
Debtor/Creditor.....	7
FamilyLaw.....	38
GeneralLi tigation.....	57
Labor & Employment.....	9
RealP roperty.....	32
Taxation	6
Wills & Trusts	17
Worker's Comp	5
International Law	1

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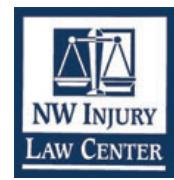
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